File No. 138 (2)

1939.

Collection No.

(2)

Pros. / Serial Nos. 1 – 15

25P

Subject.

Acquisition of Land for Q.V.O. (Madras)
for Sappers & Miners (Survey Nos. 201 + 202 of Doddigunta)

Previous References.

Later References.

97 103 (2) 40

A

4/11/46

(2)

C.P.1/~~puc~~ D. N. 1282. S. N.(1).

G 1

Collector's views may be obtained in the first instance. Draft submitted.

10/4/39
10.2.39

Secy
G

Part I.
11/2/39

S.N. (2) Issue.

Await 18/3/39.

C.P.8/&10/~~puc I~~, D. N. 2595. S. N.(3)
~~II and III~~. D. N. 2596. S. N.(4).
D. N. 2721. S. N.(5).

8 G

2

Secretary's remarks on Puc II.(S.N.4).

"What is this".

H.T.
8/3/39.

C.P.1 - 7 G 3

Please see S. N. 1 and 2.

Draft reminder to Collector is submitted. After issue of draft, file may, if approved, be sent U.O. to Collr: so that he may see Major Turner's D.O. at S.N.4 before he sends his reply to S.N.2.

⊗ cp.9 G
cp 7 of G

17.3.39.

4

17.3.39

(Secy to see on return of file from Collr.)

R. Anstruther
18.3.39.

S.N. (6) Issue

(3)

5

Reference para 3 ante.

To

The Collector, C & M Station, Bangalore.

U/O No.2721, dated the 20th March 1939.

21 MAR. 1939
No. 1089-D-39

6

I am writing
public stand by ⊗
reply sent on 18-3-39.
If Rodgers Dick think — S.N. 4 / c.p. 9 G
I can add to paid
at a certain rate
by Board press then
view of A.H.Q

S.N. 1 / c.p. 4 / G

(Amp 4 C.F.
I said the rental value
might be taken as Rs. 30/-
p.a: not Rs 30-50.)

⊗ S.N. 7 / c.p. 11 / G

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
23 MAR. 1939
Diary No. 3067
File No.

Seen 24.3.39

U.O. No. 1089-D-39 Dated 22.3.39.

(4)

1 Compensation must be calculated according to law though there is no objection if Defence Dept. desire to make a separate ex gratia payment to the owner, if they consider such a payment reasonable.

H Mulgan

27/3/39.

21/3

D.No.2908 ✓ S.N.(7) ✓

D.No.3381 ✓ S.N.(8) ✓

1 ✓ ✓ C.P. 1, 6, 8

Please see S.N. 1, 2 and 4 and notes from para 3 ante.

8

Draft submitted.

(para 6)

AS
3.4.39

7.4.39

H Mulgan
9/4/39

Leg.

Await

S.N. (9) Issue

No.20504/67/Q.

Headquarters, Madras District.

Bangalore. 4 February 1939.

To:-

The Secretary to the:

Hon'ble the Resident in Mysore,

Bangalore.

Subject:- Lands- Acquisition of land for Q.V.O.(Madras) S.&.M. (Survey Nos.201 and 202 of Doddigunta)

Sir,

I have the honour to forward herewith copies of the marginally noted correspondence and to request that you will be so good as to furnish this Headquarters your views in the matter.

1. Copy of H'Qrs, Madras District letter No.20504/61/Q dated 23-11-38.
2. Copy of Army Headquarters, India, letter No.48912/Q-3 dated 27th January 1939.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
6 FEB. 1939
Diary No. 282
File No.

I have the honour to be,

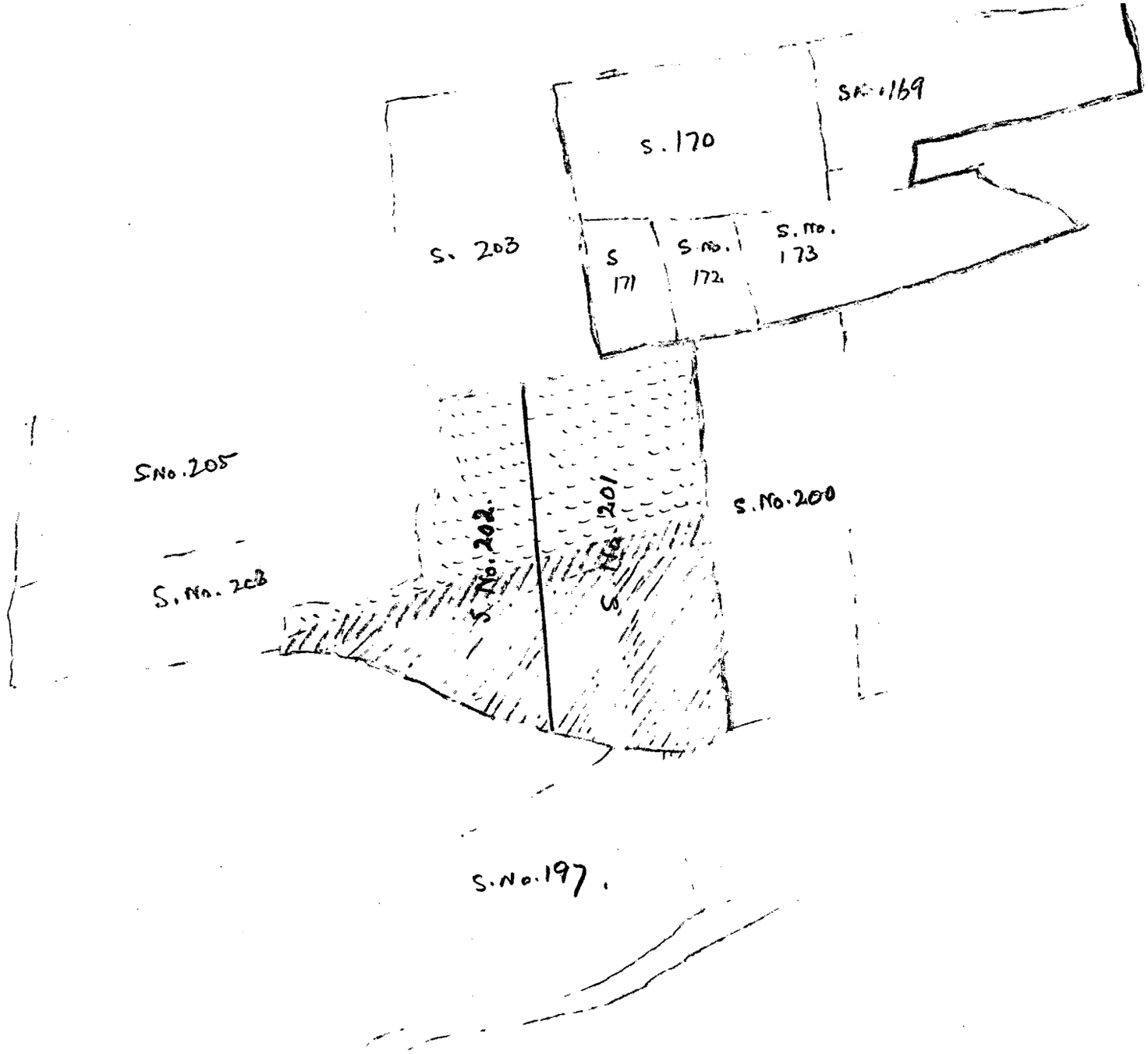
Sir,

Your obedient servant,

for Major-General.

Commander, Madras District.

UN



N.

Part plan of Meanee Lines, Bangalore.

Acquired in 1931 by the Collector Cd'm Station — Area. 0.35 gunta

Purchased in 1924 by the Asst. C.V.O S+M. Area. 10,605 sq ft.

Land [illegible] upon by S.C.C. Area. about 2 acres & 2 guntas

Plot S. proposed to be acquired —

Copy of Army Headquarters, India, letter No.48912/Q-3 dated 27th January 1939, to Headquarters, Southern Command.

Payment of compensation for the use of certain land within the C.&.M. Station, Bangalore, by Q.V.O. (Madras) Sappers and Miners.

Reference your No.55290/142/Q dated 2-12-1938.

1. The recommendation made by you are agreed to in principle, subject to the following remarks.

2. In regard to the payment of compensation for the past use of the land in question, A.H.Q. are advised that the period of limitation is three years and that the Government of India shall not, therefore, ordinarily be liable in a Court of Law to pay compensation for more than three years.

The amount to be paid to the owner as compensation for past use should not, therefore, exceed Rs.276-12-0. Will you kindly ascertain and report whether the owner agrees to this amount.

3. As regards the acquisition of the land in question, it is suggested that it should be acquired under the Land Acquisition Act in order to obtain (i) an indefeasible right to the title of the land, and (ii) an agreed award of compensation. Necessary funds to finance the measure should be found from your grant for minor works in the next financial year.

4. Will you kindly consider the above suggestions and submit fresh proposals for Government sanction. The views of the Hon'ble the Resident in Mysore should also kindly be obtained on these proposals. The Defence Department of the Government of India and the Political Department have agreed to your approaching the Hon'ble the Resident.

---------ooooo-------

Copy of a letter No.20504/61/Q dated the 23rd November 1938, from Headquarters, Madras District, Bangalore, to Headquarters, Southern Command.

Subject:- Acquisition of land (2 acres and 2 Guntas of Survey Nos. 201 and 202) for Q.V.O. (Madras) S.&.M.

An encroachment of private land by the Military Authorities have recently been brought to notice. Attached herewith is a detailed statement of the case of this encroachment by the Q.V.O. (Madras) Sappers & Miners, together with plans and sketches (in duplicate).

2. Briefly stated, the case is as follows:-

In 1931, 61 acres of land were acquired through the Collector, C.&.M.Station, Bangalore, for the extension of Meanee Lines, for the Q.V.O.(Madras) Sappers & Miners. Included in this area was 35 Guntas of land which formed part of Survey Nos.201 and 202 belonging to Mr. A.M.Ramamurthy. The Q.V.O. (Madras) S.&.M. had already, in 1924, privately purchased 10,605 sq. ft. of land in these Survey Numbers.

During 1931 and 1932, the whole area was developed and levelled and put into order by the Sappers & Miners. It was fenced in gradually as funds became available by the Sappers & Miners, at their own expense. In error, the fence was constructed round the outer boundary of Survey Nos. 201 and 202, and included 2 acres and 2 Guntas of these Survey Numbers which had not been purchased, under the impression that the whole area was military land which had been acquired. This was apparently done in good faith. The erection of the fence and encroachment of this land took place so long ago that it is not possible to ascertain how it happened or who was responsible for the error. The owner made no mention of the encroachment to the Military Authorities until July 1938, though it is understood that he approached the Civil Authorities some considerable time ago.

Since 1932, the S.&.M. Light Railway, which runs from Assaye Lines through Meanee Lines to the eastern end of the training areas, has been realigned, new culverts constructed, and it now passes through the middle of the encroachment.

3. The owner, Mr. A.M.Ramamurthy, has been frequently interviewed recently in regard to a settlement of the case. The value of the land has been ascertained from the Local Civil Authorities who state that land of this type in the vicinity varies from Rs.1000 - 1200 per acre plus 15% for acquisition and has a rental value of from Rs.30/- to 50 per acre per annum.

A

Mr. Ramamurthy is prepared to accept Rs.1100/- per acre plus 15% for acquisition, and
Rs.45/- per acre rent for past use for 6 years(1932-38)
i.e.Rs.2593-4-0 plus Rs.553-8-0 = Rs.3146-12-0.

4. It will not be possible to alter the alignment of the railway to its former position without interfering considerably both with the training facilities available, and the general amenities of Meanee Lines. Relinquishment would also cost money, and the money spent on the existing culverts would be wasted. Giving this up, would considerably restrict the use

P.T.O.

use
to which the remaining available land could be put. For these reasons, it is considered that the acquisition of these 2 acres and 2 Guntas of land is very desirable.

5. The plot of land is adjacent to Plot 8 which it is proposed to acquire as part of a larger scheme when funds become available. This Headquarters No.9652-2/105/Q dated 18th February 1938, refers.

6. It is to be noted that in view of the circumstances the claim preferred by Mr. A.M.Ramamurthy is a very reasonable one but he is desirous of an early settlement. It is suggested therefore that the acquisition of this plot of land should not await the larger acquisition scheme referred to above.

7. I recommend, therefore, that Mr. Ramamurthy should now be paid the sum of Rs.553-8-0 for rent for past use (1932-38), and that the plot be acquired at a cost of Rs.2593-4-0 at an early date.

Sd/- E.F.Norton, Major-General.
Commander, Madras District.

Res. Mysore 39.

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Bangalore, the 18/1 *1939.*

R.O. No. F. 38(2)-39 Pol. 3
R. O. II

A copy of the undermentioned paper(s) is forwarded to the Collector, C & M Station, Bangalore, ~~with the request that he will favour the Resident with his views in the matter.~~ for favour of remarks.

for information, ~~in continuation of~~ with reference to the correspondence ~~ending~~ with his

~~Memorandum~~ / ~~letter~~ / ~~endorsement~~ from

~~No.~~ ~~dated the~~

By order,

(Sd) A. J. Cantuar

~~Secretary~~ / *Asst. Secy.* *to the Resident.*

LIST OF PAPERS.

S.N. 1 / C.P. 1(puc) Letter from Headquarters, Madras District, Bangalore, No. 20504/67/Q, dated the 4th February 1939, with enclosures.

1621—2-4-1935—2,000—RPB.

SN 4

(8)

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
13 MAR. 1939
Diary No. 2596
File No. RD 38(2)/39

Headquarters, Madras District,
Bangalore, S. India.

Dear Trevelyan,

SN 1 G
Cp. 1.

Reference this H.Q. 20504/67/Q/d.4/2/39. Whether the period of limitation is 3 years or not I feel that this man should get the full amount. The figure was based on the total amount recoverable the detail was merely a method of calculation. Actually he has had his claim in for about 2 years and the matter has been under consideration. I hope your reply will help us to tell A.H.Q. to pay up.

Yours in haste. I am just off. Best of luck.

Sd/- C.D.L. Turner.

B. what is this? R 13/3

HEADQUARTERS, MADRAS DISTRICT,
BANGALORE,
S. INDIA.

873/39.

RD 38 (2)/39
B. 1252.

Dear Trevelyan,

Ref this
S.N.1
H.Q. 20504/67/Q
4/2/39. Whether
the period of limitation
is 3 years or not I
feel that the man
should get the full
amount. The figure
was based on the total
amount recoverable the

ನಂ 2 ಕಂ ಅಧಿ S.N. II

(11)

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

No.675-D-39. Enc.2 *Dated* 17th March 1939

FROM

C.F.V. Williams, Esq., I.C.S.,

COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
20 MAR. 1939
Diary No. 2908
File No. R.R.138(2)/39

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

SIR,

S.Nos.201 and 202 Kayamgutta Doddigunta - payment of compensation for past use and acquisition under the Land Acquisition Act - Your No.R.Dis.No.F.38 (2)-39/R.O.II, dated the 18th February 1939.

- - -

Compensation for past use is limited to three years. I enclose a copy of my letter No.633-D-39, dated the 27th February 1939 to Headquarters, Madras District, with a copy of the Government Pleader's opinion on which that letter was based.

I see no objection to acquisition under the Land Acquisition Act. The rate of compensation proposed by Headquarters, i.e. Rs.1100/- per acre plus 15% allowance, on which I was consulted at an earlier stage, is a reasonable valuation.

I have the honour to be,

Sir,

Your most obedient servant,

COLLECTOR.

MAB.17/3.

DESPATCHED
18 MAR. 1939

Letter No.633-D-39, dated the 27th February 1939, from the Collector, Civil and Military Station, Bangalore, to Headquarters, Madras District, Bangalore.

-----:O:----

Period of limitation - past occupation and use of land and recovery of land revenue - Your No.20504/70/Q, dated the 15th February 1939.

- - -

I am advised by the Government Pleader that three years is the period of limitation in cases of payment of compensation for past occupation and use of land under article 115 of the Indian Limitation Act (IX of 1908); and that six years is the period of limitation in all matters relating to the land revenue due to a superior holder in a settled village under article 120 of that Act.

This not being a "settled" village, article 115 applies and the Government is liable to pay compensation only for three years.

-----:O:---

"C O P Y"

M. Keelanath

SHERISTADAR.

18.3.39

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

N 9

R. Dis. No. F138(2)-39 / ~~XXX~~ G. & A.

(16

Issued 1015 13/4/39

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

Headquarters,

Madras District, Bangalore.

Dated Bangalore, the 13th April *1939*.

ACQUISITION OF LAND FOR Q.V.O. (MADRAS) SAPPERS AND MINERS.

SIR,

S.N. 1 c.p. 1 G

I am directed to refer to your letter No.20504/67/Q., dated the 4th February 1939.

2. The Resident has no objection to the acquisition. **The Collector will be the land acquisition officer, and will be responsible under the provisions of the Act for fixing compensation. He reports that the rate proposed by District Headquarters is reasonable (Rs. 1,100/- per acre plus 15% allowance), and the question of limitation of payment for post occupation is dealt with in his letter 633-D-39, dated the 27th February, 1939, addres-sed to District Headquarters. If the Defence Department wish to compensate the owner for occupation previous to the three years, there is no objection to their making him a private ex gratia payment after the payment of compensation in the acquisition proceedings. The Collector reports the rental value as Rs. 30/- per annum, not Rs. 30 - 50 as shown in District Headquarters' letter to Southern Command 20504/61/Q, dated the 23rd November, 1938.**

S.N. 7 c.p. 12 G

S.N. 1 c.p. 4 G

I have the honour to be,

Sir,

Your most obedient servant,

(Secy's draft attached) o/c GMS

SECRETARY TO THE RESIDENT.

10/4

(18)

No.20504/92/Q.

Headquarters, Madras District.

Bangalore. 23 August 1939.

To:-

The Military Estates Officer,
Madras Circle,
Bangalore.

Subject:- Lands- Acquisition of approximately 2 acres and 2 guntas of land in Survey No.201 and 202 of Doddigunta-Bangalore, for Q.M.G.(Madras) C.&.M.

1. The attached copy of Government of India, Defence Department, letter No.1399-L/D.4 dated the 10th August 1939, is forwarded for necessary action in accordance with Rules 9 and 10 of the Complementary Land Rules.

2. A rough sketch of the area to be acquired is attached for information.

Major.

D.A.Q.M.G., Madras District.

Copy to:-

(1) The Secretary to Hon'ble the Resident in Mysore, Bangalore, reference his No.F.38(2)-39/G.&.A dated 13-4-39.

(2) The Collector, C.&.M.Station, Bangalore, reference correspondence ending with his No.1464-D-39 dated 25-5-39.

(3) The Commandant, Q.V.O. (Madras) C.&.M., reference his No.1916/47/H.Q dated 31-10-38.

(4) C.R.E., A separate communication regarding the allotment of funds to meet this expenditure will be made in due course.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE
Diary No. 8846
R. E6/38(2)/39

19

Cantonments/Lands.

No. 1399-L./D.4.

Government of India.

DEFFENCE DEPARTMENT.

Simla, the 10th August 1939.

To

The General Officer Commanding-in-Chief,
Southern Command.

Acquisition of land at
Bangalore.

Sir,

With reference to the correspondence ending with your memorandum No.55290/178/Q., dated the 30th June 1939, addressed to the Quartermaster General in India, I am directed to say that the Government of India sanction:

(a) the acquisition of two acres and ~~two~~ 1.27 Guntas of private land at Bangalore on payment of a sum of Rs ~~2593/4/-~~ 2710/5 (Rupees two thousand, five hundred and ninety three and annas four)only inclusive of 15% for compulsory acquistion.

Rs 117/- on account of Compensation for the loss of future assessment on the land."

(b) the payment to Mr.A.M.Ramamurthy, the owner of the land, of a sum of Rs 338/4/0 (Rupees three hundred and thirty eight and annas four) only as compensation, for rent, on account of the use of his land by the military authorities in final settlement of his claim.

2. The expenditure is debitable to Main Head 8- Military Engineer Services, Sub-Head A- Works, Minor Head (h) Minor Works in the Southern Command and will be met from the General Officer Command-in-Chief's grant for unforeseen expenditure under Head IV-B of the Defence Services Estimates.

3. These orders are issued under the authority of the Crown Representative.

I am, Sir,
Your most obedient servant,

Sd/- G.F.J. PATERSON,
Colonel,
Director, Military Lands and Cantonments.

No.1399-L/1/D.4.

Copy of the above forwarded to:-

The Financial Adviser, Military Finance, with reference to his u/O No.5522/Q.B. of 1939, for communication to the Military Accountant General, the Director of Audit, Defence Services, the Assistant Director of Audit, Defence Services, Southern Command, and the Controller of Military Accounts, Southern Command.

The Deputy Director, Military Lands and Cantonments, Southern Command, for necessary action under rules 9 and 10 of the Complementary Land Rules.

WR 2115/E&A

15/10/39

S.N. 11 (24)

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

No. 3262-D 39 Encl 2. *Dated* 13th October *193* 9.

FROM

H.H. Carleston, Esq., I.C.S.,

COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
16 OCT. 1939
Diary No. 10,593
File No.

S.N. 11
c.p. 18
G

SIR,

Land Acquisition - Land for Q.V.O. Madras Sappers and Miners - Parts of S.Nos.201 and 202 Kayamgutta Doddigunta - Letter No.20504/92/Q., dated the 23rd August 1939 from Headquarters, Madras District to the Military Estates Officer, Madras Circle, copy sent to the Secretary to the Hon'ble the Resident in Mysore, Bangalore.

- - - -

I have the honour to forward herewith a draft notification under Section 4(1) of the Land Acquisition Act for favour of approval and publication in the Mysore Residency Orders.

2. The cost of acquisition will be borne by the Military Department - vide copy of letter No.1399-L/D.4, from the Defence Department to the General Officer Commanding, Southern Command, copy attached to the Headquarter's letter referred to above.

S.N. 11
c.p. 19
G

3. A plan of the land to be acquired is also enclosed for reference and favour of return.

The actual area to be acquired is only 2 acres and 1.27 guntas as stated in the plan and not 2 acres 2 guntas as stated in the copy of the letter referred to in para 2 above.

-do-

I have the honour to be,
Sir,
Your most obedient servant,

H.H. Carleston

COLLECTOR.

The Map is prepared by the military authorities.

DESPATCH
14 OCT. 1939

Col. O. 1.

Issued 30/10/39

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION UNDER SECTION 4 (1) OF ACT I OF 1894.

No. 137. *Bangalore, dated* 30th October 1939.

It is hereby notified that the land described in the schedule hereunder is needed for a public purpose, namely, for Q.V.O. Madras Sappers and Miners Field Works Training Ground

SCHEDULE OF LAND.

Where situated.	Name of owner.	Description of land.	Area.	Boundaries.				Remarks.
				North.	East.	South.	West.	
Kayamgutta Doddigunta Village, Civil and Military Station, Bangalore.	Mr.A.M.Ramamurthy, Kayamguttadar, Kayamgutta Doddigunta.	Parts of S.Nos.201 and 202 - - - Dry.	2 acres -- 1.27 guntas.	S.Nos.203, 171 and 172(part) of Kayamgutta Doddigunta Village.	Military land comprising S.No.200 Kayamgutta Doddigunta Village	Parts of S.Nos.201 and 202 Kaymgutta Doddigunta village - now Military land.	S.No.206 and 205 Kayamgutta Doddigunta Village.	The plan may be seen in Collector's office.

H.H. Garbutt
Collector.

19.10
for Secretary to the Resident.

1548—23-3-1934—500—RPB.

To be published in the Mysore Residency Orders.
To the Collector, C & M Station, Bangalore, for information, with reference to his letter No. 3262-D-39, dated the 13th Oct. 1939. The plan of the land is returned.

SN.12
C.P.21
" C

31.10.39 PKN 17.10.39

NDH Sr. 14
6/12

23

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

No.3262-D-39. Enc.2. *Dated* 3rd December *1939*.

FROM

H.H. Carleston, Esq., I.C.S.,

COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
6 DEC. 1939
Diary No. 12,327
File No. RD 138(2)/39

To

The Secretary to the Hon'ble the Resident in Mysore,

Bangalore.

SIR,

S.N. 13
Cp. 22
(9)

Land Acquisition - S.Nos.201 and 202 Kayamgutta Doddigunta village - The Hon'ble the Resident's Notification No.137 dated the 30th October 1939.

- - -

In response to my notice issued under Rule 1 of the Land Acquisition Rules in respect of the above notification, I have not received any objections to the proposed acquisition. I enclose a draft declaration under Section 6 of the Land Acquisition Act for favour of the Hon'ble the Resident's approval and publication in the Mysore Residency Orders.

A plan of the land proposed to be acquired is enclosed for reference and favour of return.

I have the honour to be,
Sir,
Your most obedient servant,

H.H. Carleston

COLLECTOR.

BR.

DESPATCHED
5 DEC. 1939

Issued.
30/12/39
bm

THE HON'BLE THE RESIDENT IN MYSORE,

Notification

Dated Bangalore, the 30th Dec. 1939.

No. 185

Whereas it appears to the Hon'ble the Resident in Mysore that land is required for a public purpose, namely, for Q.V.O. Madras Sappers and Miners, Field Works Training Ground.

It is hereby declared that the undermentioned land is required for the said purpose.

This declaration is made under the provisions of section 6 of Act I of 1894 as applied to the Civil and Military Station of Bangalore, and under Section 7 of the said Act, the Collector of the Civil and Military Station is hereby directed to take order for the acquisition of the said land.

SPECIFICATION OF LAND.

Where situated.	Name of owner.	Description of land.	Area.	Boundaries.				Remarks.
				North.	South.	East.	West.	
Kayamgutta Doddigunta village, Civil and Military Station, Bangalore.	Mr.A.M.Ramamurthy, Kayamguttadar, Kayamgutta Doddigunta.	Parts of S.Nos.201 and 202 - Dry.	2 acres - 1.27 guntas.	S.Nos.203, 171 and 172(part) of Kayamgutta Doddigunta Village.	Parts of S.Nos.201 & 202 Kayamgutta Doddigunta village now military land.	Military land comprising S.No.200 Kayamgutta Doddigunta village.	S.Nos.206 and 205 Kayamgutta Doddigunta village.	The plan may be seen in Collector's office.

W.H. Lewis
COLLECTOR.

53—28-4-1931—500—RPB.

Secretary to the Resident.

To be published in the Mysore Residency Orders
To the Coll:, C&M Stn, Bangalore, for information with reference to his letter No. 3262-D-39 D/the 3rd Dec. 1939. No plan of the land is returned.